

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1445 2S HB	<b>Title:</b> Law enf. misconduct
--------------------------------	-----------------------------------

## Estimated Cash Receipts

NONE

## Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of Attorney General	10.8	3,588,000	3,588,000	3,588,000	10.5	3,488,000	3,488,000	3,488,000	10.5	3,488,000	3,488,000	3,488,000
State Lottery	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Gambling Commission	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Office of Insurance Commissioner	.0	0	0	0	.0	0	0	0	.0	0	0	0
Liquor and Cannabis Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Utilities and Transportation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Patrol	.0	4,500	4,500	19,600	.0	0	0	0	.0	0	0	0
Washington State Patrol	In addition to the estimate above,there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Criminal Justice Training Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Independent Investigations	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Social and Health Services	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	.0	0	0	0	.0	0	0	0	.0	0	0	0
University of Washington	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Washington State University	.0	0	0	0	.0	0	0	0	.0	0	0	0
Eastern Washington University	.0	0	0	0	.0	0	0	0	.0	0	0	0
Central Washington University	.0	4,500	4,500	4,500	.0	4,500	4,500	4,500	.0	4,500	4,500	4,500
The Evergreen State College	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Western Washington University	Non-zero but indeterminate cost and/or savings. Please see discussion.											
State Parks and Recreation Commission	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Fish and Wildlife	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Natural Resources	.0	0	0	0	.0	0	0	0	.0	0	0	0
<b>Total \$</b>	<b>10.8</b>	<b>3,597,000</b>	<b>3,597,000</b>	<b>3,612,100</b>	<b>10.5</b>	<b>3,492,500</b>	<b>3,492,500</b>	<b>3,492,500</b>	<b>10.5</b>	<b>3,492,500</b>	<b>3,492,500</b>	<b>3,492,500</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

## Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
State Lottery	.0	0	0	.0	0	0	.0	0	0
Washington State Gambling Commission	.0	0	0	.0	0	0	.0	0	0
Office of Insurance Commissioner	.0	0	0	.0	0	0	.0	0	0
Liquor and Cannabis Board	.0	0	0	.0	0	0	.0	0	0
Utilities and Transportation Commission	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Criminal Justice Training Commission	.0	0	0	.0	0	0	.0	0	0
Office of Independent Investigations	.0	0	0	.0	0	0	.0	0	0
Department of Social and Health Services	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
University of Washington	.0	0	0	.0	0	0	.0	0	0
Washington State University	.0	0	0	.0	0	0	.0	0	0
Eastern Washington University	.0	0	0	.0	0	0	.0	0	0
Central Washington University	.0	0	0	.0	0	0	.0	0	0
The Evergreen State College	.0	0	0	.0	0	0	.0	0	0
Western Washington University	.0	0	0	.0	0	0	.0	0	0
State Parks and Recreation Commission	.0	0	0	.0	0	0	.0	0	0
Department of Fish and Wildlife	.0	0	0	.0	0	0	.0	0	0
Department of Natural Resources	.0	0	0	.0	0	0	.0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

## Estimated Capital Budget Breakout

<b>Prepared by:</b> Cheri Keller, OFM	<b>Phone:</b> (360) 584-2207	<b>Date Published:</b> Final 3/ 7/2023
---------------------------------------	---------------------------------	---

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1445 2S HB	<b>Title:</b> Law enf. misconduct	<b>Agency:</b> 100-Office of Attorney General
--------------------------------	-----------------------------------	---

## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	11.0	10.5	10.8	10.5	10.5
<b>Account</b>					
General Fund-State 001-1	1,844,000	1,744,000	3,588,000	3,488,000	3,488,000
<b>Total \$</b>	1,844,000	1,744,000	3,588,000	3,488,000	3,488,000

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jessica Van Horne	Phone: 360-786-7288	Date: 02/28/2023
Agency Preparation: Amy Flanigan	Phone: 509-456-3123	Date: 03/03/2023
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 03/03/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 03/06/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

#### Bill Summary

Section 1 – New Section – Findings and Intent.

Section 2 – New Section – Definitions.

Section 3 – New Section – Under 43.10.030, the Attorney General’s Office (AGO) may investigate and bring an action against a law enforcement agency or local corrections agency for violation of the state Constitution or state law. This includes issuing written civil investigative demands and initiating actions for injunctive or declaratory relief and seeking damages, costs and attorney fees. Provides that if an investigation is initiated, the AGO shall confer with the Office of Independent Investigations (OII).

Section 4 – New Section – Sections 2 and 3 are to be liberally construed for remedial purposes and control in the case of conflicts with other laws.

Section 5 – New Section – By September 1, 2024, the AGO shall develop and publish model policies for local law enforcement agency accountability systems. In developing model policies the AGO shall consult with the Criminal Justice Training Commission (CJTC), OII, and other agencies, bodies, and people as specified.

Section 6 – New Section – Sections 2 through 5 of this act are added to chapter 43.10 RCW.

Section 7 – New Section – If funding is not provided by June 30, 2023 this act is null and void.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

General Fund-State (GF-S) Account 001-1: Attorney General’s Office (AGO) Administration Division’s and Civil Rights Division’s activities are funded with General Fund-State dollars. No cash receipt impact. There is no client agency to bill for legal services.

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

Attorney General’s Office (AGO) Agency Assumptions:

This bill is assumed effective 90 days after the end of the 2023 legislative session.

Location of staffing is assumed to be in a Seattle office building.

Total workload impact in this request includes standard assumption costs for goods & services, travel, and capital outlays for all FTE identified.

Agency administration support FTE are included in the tables, for every 1.0 Assistant Attorney General FTE (AAG), the AGO includes 0.5 FTE for a Legal Assistant 3 (LA) and 0.25 FTE of a Management Analyst 5 (MA). The MA is used as a

representative classification.

The AGO Administrative Division (ADM) assumes that in FY 2024 they will need to draft and complete the model policies, be involved in outreach and communications with law enforcement agencies and local correction agencies. Outreach includes a wide swath of community advocates, attorneys, and other stakeholders that will take a significant amount of work.

Ongoing advice and communication with stakeholders, law enforcement and local corrections agencies will be needed FY 2025 and in each FY thereafter.

Direct costs:

FY 2024: \$32,000 for Special Assistant Attorney General (SAAG) services.

ADMGFS total FTE workload Seattle rates:

FY 2024: \$170,000 for 1.0 Policy Assistant (exempt) FTE (PA) (this includes \$32,000 in SAAG costs).

FY 2025: \$70,000 for 0.05 PA and in every fiscal year thereafter.

Assumptions for the AGO Civil Rights Division (CRD) legal services:

These assumptions are for the enforcement work under Section 3. CRD assumes the model policy work in Section 5 will be estimated separately.

CRD assumes that this work will result in hundreds of contacts and requests for investigation of police departments and jails per year. CRD assumes that the legal assistant staff will need to screen those.

CRD assumes that the AGO will open eight matters per year for initial inquiry and investigation, and that two of those matters will proceed to litigation each year. These matters, by legislative definition, will be complex and involve department-level inquiries and not inquiries of “isolated” incidents. See Section 1.

A team of one AAG, one AGO Senior Investigator FTE (INV), and one LA can handle four of these matters per year, because those will be in varying states of investigation, litigation, negotiation, etc. This means there would need to be two teams, and that 1.0 Managing AAG FTE (MAAG) would need to supervise them.

These estimates are based on CRD’s experience investigating and resolving issues related to police practices in Cities of Lakewood and Othello, as well as extensively litigating one matter involving the City of Sunnyside. It is also based on our estimates from investigating practices by two jails and three sheriffs’ offices. These estimates are also consistent with the estimates shared by the Maryland AGO regarding similar authority that may be extended to that office. Maryland has a similar population to Washington and may expect a similar number of complaints regarding police and jail misconduct.

For each litigated matter (two per year) CRD estimates \$60,000 in direct costs. This accounts for costs related to process service, travel, expert witness fees, lay witness appearance fees, court reporter fees, deposition transcripts, and, FedEx. These estimates are based off our litigation costs in State v. City of Sunnyside, et al., a pending police misconduct lawsuit.

CRD: Total Seattle workload impact:

FY 2024 and in each FY thereafter: \$1,674,000 for 1.0 MAAG, 4.0 AAG, 2.0 LA, 2.0 INV (this includes direct litigation costs of \$120,000).

The AGO Government Compliance and Enforcement Division (GCE) has reviewed this bill and determined it will not significantly increase or decrease the division’s workload in representing the Washington State Gambling Commission (GMB), the Office of the Insurance Commissioner (OIC), Washington State Patrol (WSP), and Office of Independent Investigations (OII).

GCE provides legal advice to GMB. Although this bill may result in some modest increase in legal advice requests relating to review and revision of policies in response to the model policies adopted by the AGO, it has been determined it would be nominal and costs are not included in this request.

OIC continually updates and modifies their policies and does not anticipate the need for any increase in legal services as a result of model policies adopted by the AGO under this bill.

GCE provides program-specific litigation support to the WSP. Although this bill could increase client advice requests relating to the implementation of the model policies, we assume that work would be handled by the Criminal Justice Division (CRJ).

GCE provides legal advice to OII. This bill would require the AGO to confer with the OII if it initiates an investigation against a law enforcement agency or local corrections agency. Additionally, the AGO would be required to consult with certain agencies, including the OII, during the development of model policies. This bill would not have a fiscal impact on GCE because the OII does not anticipate it would generate any additional need for legal advice.

The AGO Washington State University Division (AGO-WSU) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing Washington State University (WSU).

AGO-WSU assumes it is unlikely that the AGO will conduct an investigation or bring an action against the WSU PD under Sections 2-4. In the event the event legal action is brought, it is assumed the litigation will be handled by a division or entity other than the WSU Division. In the unlikely event of an investigation, it is possible that the WSU Division will provide legal advice to the client during the investigation. It is further assumed that the WSU division will not be involved in the drafting of model policies required by Section 5.

The AGO University of Division (UOW) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the University of Washington (UW).

The AGO Public Lands Conservation Division (PLC) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Department Natural Resources (DNR) or Washington State Department of Fish and Wildlife (WDFW).

The new requirements in Section 3 of the bill does not create a fiscal impact to PLC. Given our role advising WDFW and DNR, any investigations or lawsuits against the agencies would need to be handled by another division.

The AGO Education Division (EDU) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing Eastern Washington University (EWU), Western Washington University( WWU), Central Washington University (CWU) and The Evergreen State College (TESC)

Section 3 may generate requests for advice and/or the need to hire a SAAG if EDU clients with law enforcement personnel are the subject of an investigation and need legal advice and representation in order to respond to civil investigative demands for documents. EDU assumes that none of the investigations will result in any cases being filed, and that were a case to be filed, the client would be represented by a SAAG. EDU assumes that only one of the four institutions of higher education will be subject to investigation in any given year. Ultimately, it is difficult, if not impossible, predict how many investigations might arise and it is noted that the bill is not focused on isolated acts, but alleged patterns or cultures of misconduct.

Section 5 may generate requests for advice relating to implementation of model policies and the need for collective bargaining to implement provisions of the policies.



The AGO Licensing and Administrative Law Division (LAL) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Liquor and Cannabis Board (LCB).

The enactment of this bill will not impact the provision of legal services to the LCB, as it does not impose significant new requirements on LCB. There may be the necessity for additional policy review and legal advice if LCB must modify any policies to be consistent with model policies adopted by the AGO under Section 5 of the proposed legislation.

LAL has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the State Lottery Commission (Lottery).

The enactment of this bill will not impact the provision of legal services to Lottery because Lottery does not exercise its law enforcement authority and is not planning on changing this posture. Lottery's legal director reviews and adopts model policies from the AGO when policies are required by statute.

The AGO CRJ has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing WSP.

Sections 2 and 3 create a role for the AGO to investigate police agencies for violations of state law and file civil lawsuits to restrain further misconduct, but those duties are best suited to a division other than CRJ and will have no fiscal impact on CRJ. While these sections subject WSP to possible civil lawsuits brought by the AGO for violations of state law where insufficient accountability, training, and policies lead to such violations.

Section 5 may generate requests for client advice from WSP on implementation of the model policies, but it is not expected to increase the workload.

The AGO Social & Health Services Division (SHO) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Department of Social and Health Services (DSHS).

The enactment of this bill will not impact the provision of legal services to DSHS because DSHS has only a limited law enforcement role with relation to its fraud duties.

The AGO Utilities and Transportation Commission (AGO-UTC) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Washington Utilities and Transportation Commission (UTC).

The enactment of this bill will not impact the provision of legal services to UTC because the AGO-UTC would not likely be the division investigating and prosecuting violations by law enforcement agencies and because the Commission would not likely be investigated.

While the Commission can employ limited law enforcement officers, it has not in many years. It may in the future issue its rail safety staff badges of authority to facilitate their entry into secure rail facilities, but it does not intend for those staff members to enforce criminal laws or make arrests.

The AGO Corrections Division (COR) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Department of Corrections (DOC).

The enactment of this bill will not impact the provision of legal services to DOC because the investigative and enforcement authority granted to the AGO would extend to local correctional and limited authority law enforcement agencies, but not to DOC.

The AGO Information Services Division (ISD) has reviewed this bill and determined it will not significantly increase or

decrease the division's workload. New services are nominal and costs are not included in this request.

### Part III: Expenditure Detail

#### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	1,844,000	1,744,000	3,588,000	3,488,000	3,488,000
<b>Total \$</b>			1,844,000	1,744,000	3,588,000	3,488,000	3,488,000

#### III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	11.0	10.5	10.8	10.5	10.5
A-Salaries and Wages	1,141,000	1,094,000	2,235,000	2,188,000	2,188,000
B-Employee Benefits	357,000	343,000	700,000	686,000	686,000
C-Professional Service Contracts	152,000	120,000	272,000	240,000	240,000
E-Goods and Other Services	184,000	177,000	361,000	354,000	354,000
G-Travel	10,000	10,000	20,000	20,000	20,000
<b>Total \$</b>	1,844,000	1,744,000	3,588,000	3,488,000	3,488,000

#### III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Assistant Attorney General-Seattle	124,635	4.0	4.0	4.0	4.0	4.0
Legal Assistant 3-Seattle	67,044	2.0	2.0	2.0	2.0	2.0
Management Analyst 5	91,524	1.0	1.0	1.0	1.0	1.0
Managing AAG	125,000	1.0	1.0	1.0	1.0	1.0
Paralegal 2	71,520					
Policy Assistant (exempt)	95,000	1.0	0.5	0.8	0.5	0.5
Senior Investigator-Seattle	98,532	2.0	2.0	2.0	2.0	2.0
<b>Total FTEs</b>		11.0	10.5	10.8	10.5	10.5

#### III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Headquarters Administration (ADM)	170,000	70,000	240,000	140,000	140,000
Civil Rights Division (CRD)	1,674,000	1,674,000	3,348,000	3,348,000	3,348,000
<b>Total \$</b>	1,844,000	1,744,000	3,588,000	3,488,000	3,488,000

### Part IV: Capital Budget Impact

#### IV. A - Capital Budget Expenditures

NONE

#### IV. B - Expenditures by Object Or Purpose

NONE

#### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

#### IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1445 2S HB	<b>Title:</b> Law enf. misconduct	<b>Agency:</b> 116-State Lottery
--------------------------------	-----------------------------------	----------------------------------

## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jessica Van Horne	Phone: 360-786-7288	Date: 02/28/2023
Agency Preparation: John Iyall	Phone: 360-810-2870	Date: 02/28/2023
Agency Approval: Josh Johnston	Phone: 360-810-2878	Date: 02/28/2023
OFM Review: Gwen Stamey	Phone: (360) 790-1166	Date: 03/01/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Washington's Lottery is a limited authority Washington law enforcement agency as defined in RCW 10.93.020. However, Lottery employees are not authorized to carry weapons or apprehend, arrest, or confine any person. Therefore, it is highly unlikely a Lottery employee would commit a violation of the state Constitution, or a state law related to law enforcement activities that would trigger the penalties described in Section 3 of the bill.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1445 2S HB	<b>Title:</b> Law enf. misconduct	<b>Agency:</b> 117-Washington State Gambling Commission
--------------------------------	-----------------------------------	---

## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jessica Van Horne	Phone: 360-786-7288	Date: 02/28/2023
Agency Preparation: Kriscinda Hansen	Phone: 360-486-3489	Date: 03/06/2023
Agency Approval: Kriscinda Hansen	Phone: 360-486-3489	Date: 03/06/2023
OFM Review: Gwen Stamey	Phone: (360) 790-1166	Date: 03/07/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

This fiscal note has no changes from the one submitted for 1445 A HB. Note: Section 2 (1) excludes state limited law enforcement agencies in the definition of "law enforcement agency" to be used in Sections 1 and 3. Section 4 requires Sections 2 and 3 to be liberally construed. This fiscal note assumes the Gambling Commission is included in the definition of "law enforcement agency".

Section 3 (1) of the bill provides the attorney general may investigate and bring action against law enforcement agencies, and the attorney general may recover the costs of the action if they prevail in the action.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

Expenditure impact is indeterminate because of the following unknown factors:

- Number of actions that would be brought against the Gambling Commission
- The cost of the actions brought against the Gambling Commission
- How many actions the attorney general would prevail in and how often discretion of the court would allow the attorney general to recover their costs.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

### III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE



**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1445 2S HB	<b>Title:</b> Law enf. misconduct	<b>Agency:</b> 160-Office of Insurance Commissioner
--------------------------------	-----------------------------------	---

## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Jessica Van Horne	<b>Phone:</b> 360-786-7288	<b>Date:</b> 02/28/2023
<b>Agency Preparation:</b> Michael Walker	<b>Phone:</b> 360-725-7036	<b>Date:</b> 03/01/2023
<b>Agency Approval:</b> Michael Wood	<b>Phone:</b> 360-725-7007	<b>Date:</b> 03/01/2023
<b>OFM Review:</b> Jason Brown	<b>Phone:</b> (360) 742-7277	<b>Date:</b> 03/02/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

This bill authorizes the Attorney General to investigate and bring an action against a law enforcement agency or local corrections agency for a violation of the WA state Constitution or state law. No fiscal impact to the Office of Insurance Commissioner.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1445 2S HB	<b>Title:</b> Law enf. misconduct	<b>Agency:</b> 195-Liquor and Cannabis Board
--------------------------------	-----------------------------------	--

## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Jessica Van Horne	<b>Phone:</b> 360-786-7288	<b>Date:</b> 02/28/2023
<b>Agency Preparation:</b> Colin O Neill	<b>Phone:</b> (360) 664-4552	<b>Date:</b> 02/28/2023
<b>Agency Approval:</b> Aaron Hanson	<b>Phone:</b> 360-664-1701	<b>Date:</b> 02/28/2023
<b>OFM Review:</b> Amy Hatfield	<b>Phone:</b> (360) 280-7584	<b>Date:</b> 02/28/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

This bill would strengthen and clarify the authority of the attorney general to address law enforcement and local corrections agency misconduct through investigations and legal actions.

By September 1, 2024, the attorney general shall develop and publish model policies for law enforcement accountability systems, specifying model practices for receiving complaints of serious misconduct, conducting investigations, imposing discipline, and addressing disciplinary appeals. In developing these policies, the attorney general shall consult with the criminal justice training commission, the office of independent investigations, law enforcement agencies, police unions, independent oversight bodies, city attorneys and county prosecutors, people impacted by police misconduct, experts, and police accountability advocates.

Section 3(4): If an investigation is initiated, the attorney general shall confer with the office of independent investigations to ensure that any investigation under this section will not interfere with or impede an ongoing investigation being conducted by the office of independent investigations.

#### CHANGES MADE BY THE SECOND SUBSTITUTE VERSION:

Section 5: Previous language stricken and replaced, making the following changes:

- Delays the operative date of Section 5 from July 1 to September 1, 2024;
- Removes the requirement that model policies be developed for corrections agencies;
- Requires model practices for investigations and discipline to relate to serious misconduct;
- Requires model policies to be consistent with standards adopted in other published model guidance drafted by the Office of the Attorney General at the specific request of the Washington state Legislature;
- Removes the following groups from the list of entities the Attorney General must consult with in developing model policies: local corrections agencies, local corrections unions, people impacted by local corrections misconduct, and jail accountability advocates.

Section 7: A null and void clause is added, making the bill null and void unless funded in the budget.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

No fiscal impact. The agency already has policy and procedures in place to investigate officer misconduct. Any changes made by the Attorney General's Office under section 5 of the bill can be implemented without any additional cost.

Due to the nature of the work done by the agency's enforcement division it is extremely rare that an officer must use force during the execution of their duties. The division does not arrest and transfer people to jail. This reduces the agency's exposure to potential excessive use of force by officers.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

**III. B - Expenditures by Object Or Purpose**

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1445 2S HB	<b>Title:</b> Law enf. misconduct	<b>Agency:</b> 215-Utilities and Transportation Commission
--------------------------------	-----------------------------------	--

## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Jessica Van Horne	<b>Phone:</b> 360-786-7288	<b>Date:</b> 02/28/2023
<b>Agency Preparation:</b> Amy Andrews	<b>Phone:</b> 360-481-1335	<b>Date:</b> 03/01/2023
<b>Agency Approval:</b> Amy Andrews	<b>Phone:</b> 360-481-1335	<b>Date:</b> 03/01/2023
<b>OFM Review:</b> Tiffany West	<b>Phone:</b> (360) 890-2653	<b>Date:</b> 03/01/2023



## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

This bill strengthens the AG's authority to deal with law enforcement and local corrections agency misconduct. UTC assumes there is no fiscal impact resulting from this legislation. The UTC is a limited law enforcement agency but does not commission employees as peace officers, nor does it enforce criminal law. UTC employees do not receive certification as criminal justice personnel. Section 1 states the intent of the legislation and the effects of inappropriate policing. States the purpose of the legislation and the scope. Also states that this legislation does not preempt any other state or federal law. Section 2 provides definitions

Section 3 gives the AG's office the authority to conduct investigations involving police misconduct and describes the scope of authority. Section 4 is intended to eliminate any conflict with another law, stating the chapter of this law takes precedent in the event of a conflict. Section 5 requires the AG's office to establish model policy by Sept. 1, 2024. Section 6 adds sections 2 and 5 of the chapter to 43.10 RCW.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

None

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1445 2S HB	<b>Title:</b> Law enf. misconduct	<b>Agency:</b> 225-Washington State Patrol
--------------------------------	-----------------------------------	--

## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
<b>Account</b>					
General Fund-State 001-1	4,500	0	4,500	0	0
State Patrol Highway Account-State 081-1	15,100	0	15,100	0	0
<b>Total \$</b>	19,600	0	19,600	0	0

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jessica Van Horne	Phone: 360-786-7288	Date: 02/28/2023
Agency Preparation: Shawn Eckhart	Phone: 360-596-4083	Date: 03/01/2023
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 03/01/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 03/01/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

The changes in the second substitute version of this bill changes the due date for the Attorney General's model policies in Section 5, and removes correctional agencies from the model policies. It also adds null and void language if funding is not provided to support this legislation. These changes do not change our assessment of the fiscal impact from this legislation.

This legislation would likely have a fiscal impact to the Washington State Patrol (WSP).

Subsection 3(1) allows the AG to investigate and bring action against a law enforcement agency or local corrections agency for violation of the Washington state Constitution or state law. This includes where insufficient accountability systems, training, and policies at the agency lead to such violations. The court may allow the AG to recover the costs of the action including reasonable attorneys' fees if the AG prevails.

Subsection 3(2) allows the AG to investigate violations under subsection 3(1) on its own initiative or in response to investigations or reports from independent oversight bodies. The AG may issue written civil investigative demands for documents and oral testimony, as well as answers to written interrogatories. The AG may take civil actions in the courts for injunctive or declaratory relief, damages, costs, and reasonable attorneys' fees.

In Section 5, by September 1, 2024, the AG shall develop and publish model policies for law enforcement agency accountability systems, specifying model practices for receiving complaints of serious misconduct, conducting investigations, imposing discipline, and addressing disciplinary appeals. In developing these policies, the AG shall consult with law enforcement agencies and other named categories of stakeholders.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

There are no provisions for cash receipts to the WSP from this legislation.

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

We have identified several items of fiscal impact to the WSP, some of which we assigned a dollar value, knowing that there is a large range of variability, and some of which we left as altogether indeterminate.

In Section 3, we would need to respond to queries from the AG for documents and answers to questions if they launch an investigation. At a minimum, for each investigation we estimate about \$3,900 of costs in salary, benefits, and indirect costs, for 40 hours of work for our litigation manager. We based our estimate per the workload of the litigation manager when they do a discovery when a new case is filed. There would be further indeterminate costs for additional time spent by other employees to respond to questions or to seek required documentation. The number of such investigations would be indeterminate.

We also looked at the costs for each case against which we might need to defend. The bottom line is that the number of such cases is unknown and therefore indeterminate. Nonetheless, if this bill should pass, we at minimum would need to immediately obtain independent legal counsel on retainer. We would also have indirect costs to manage the contract with the law firm, and other costs to manage the relationship. We receive our legal counsel from the AG, but due to conflict of

interest, we can't continue to do so in instances where we are brought to court by the same. If we are forced to defend ourselves and utilize these legal services, it could easily reach \$1,000,000 per case, with great variability from case-to-case. We estimate the cost in salary and benefits for our litigation manager (about 110 hours) and our Risk Manager Division commander (about 129 hours) at about \$19,700 per case, using other examples of their involvement in cases. As part of our legal defense, we might need to provide witness fees to past and present assistant attorneys general who had advised us on constitutional and accountability processes and who represented us to uphold the discipline imposed pursuant to them. If we had to pay 20 such individuals for about one day each between disposition and testimony, that could cost about \$12,000 per case. All those items would add up to about \$1,050,000 per case, including indirect costs. But there are other additional indeterminate costs. We might need to reimburse the Chief and/or other leaders in the agency for private legal costs if they are separately named in a suit. And if we should lose the suit, we would be subject to payment for damages, and to reimburse the AG for attorneys' fees. We assume those costs would come out of our operational funds and not through statewide self-insurance managed by the Department of Enterprise Services.

An additional long-term consequence is that, after the AG has sued the WSP, we might find that we need to find permanent private counsel for routine legal advice. We pay the AG for legal advice at hourly rates, so we would save money when we don't seek their advice. However, we assume that there are fiscal efficiencies to utilize the AG that will be lost. If the costs of independent legal counsel doubled what we pay to the AG and we offset half of that by no longer using AG, we could need around \$1,075,000 per year in funding. However, the actual costs are indeterminate.

In Section 5, we assume that we would be part of the stakeholder process as the AG formulates its required model policy. We estimate about 48 hours of work for each of the commander of our Office of Professional Standards, the commander of our Human Resource Division, and the commander of our Labor & Policy Office. The salary and benefits from that effort would be valued at \$14,700. We have represented this cost in the table of costs in this fiscal note.

Should we chose to change any current policies to match the model policies that would be published in FY25 per section 5, it is unknown what the fiscal impact of that would be. We at minimum would need to provide consideration of any variances from our current policies, and the degree of cost would vary per the number and degree of differences in any policy changes that we might adopt.

We base our estimate for agency indirect costs on the federal indirect cost rate of 33.41 percent approved by the U.S. Department of Transportation on February 14, 2023. This rate is effective July 1, 2023, and is used on all estimates completed after the approval date. We apply this indirect cost rate percentage to all categories of expenditure with only two exceptions: capital equipment and expenditures after \$25,000 of each projected contract. Indirect costs include, but are not limited to, computer and telecommunications support, payroll processing, vendor payments, general accounting, procurement administration, inventory control, and human resource management.

The funding allocation for this estimate is based on the results of the Joint Legislative Audit and Review Committee cost allocation model approved by both the Transportation and the Omnibus Budget Committees in the 2022 Supplemental Budget. The model analyzes costs and relevant activities (hours, transactions, type of enforcement, etc.) of Washington State Patrol (WSP) organizations funded by two or more sources to ensure a consistent and fair use of state resources.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	4,500	0	4,500	0	0
081-1	State Patrol Highway Account	State	15,100	0	15,100	0	0
<b>Total \$</b>			19,600	0	19,600	0	0

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

**III. B - Expenditures by Object Or Purpose**

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages	11,400		11,400		
B-Employee Benefits	3,300		3,300		
C-Professional Service Contracts					
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-Indirect Costs	4,900		4,900		
<b>Total \$</b>	19,600	0	19,600	0	0

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

There is no impact to the WSP's capital budget.

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1445 2S HB	<b>Title:</b> Law enf. misconduct	<b>Agency:</b> 227-Criminal Justice Training Commission
--------------------------------	-----------------------------------	---

## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Jessica Van Horne	<b>Phone:</b> 360-786-7288	<b>Date:</b> 02/28/2023
<b>Agency Preparation:</b> Brian Elliott	<b>Phone:</b> 206-835-7337	<b>Date:</b> 02/28/2023
<b>Agency Approval:</b> Brian Elliott	<b>Phone:</b> 206-835-7337	<b>Date:</b> 02/28/2023
<b>OFM Review:</b> Cynthia Hollimon	<b>Phone:</b> (360) 810-1979	<b>Date:</b> 02/28/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

This bill has no significant fiscal impact to the Washington State Criminal Justice Training Commission.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

This bill has no cash receipt impact.

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

This bill has no expenditure impact.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE



**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1445 2S HB	<b>Title:</b> Law enf. misconduct	<b>Agency:</b> 229-Office of Independent Investigations
--------------------------------	-----------------------------------	---

## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Jessica Van Horne	<b>Phone:</b> 360-786-7288	<b>Date:</b> 02/28/2023
<b>Agency Preparation:</b> Tracy Sayre	<b>Phone:</b> 3608905279	<b>Date:</b> 03/01/2023
<b>Agency Approval:</b> Jamie Langford	<b>Phone:</b> (360) 902-0422	<b>Date:</b> 03/01/2023
<b>OFM Review:</b> Cheri Keller	<b>Phone:</b> (360) 584-2207	<b>Date:</b> 03/02/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Changes made in the second substitute bill did not impact sections pertaining to the OII and therefore does not change the Office's previous fiscal note assumptions.

Sec. 1. The state of Washington and its subdivisions undertake to protect the safety of individuals and to preserve public peace by employing peace officers who are entrusted with the power to arrest, detain, and use force against individuals suspected of violating criminal statutes, and local corrections officers who are responsible for the custody, safety, and security of incarcerated individuals.

- This clarifies existing authority and authorizes the attorney general's office to investigate, and if necessary, bring suit against law enforcement agencies and local correction agencies.
- OII investigates law enforcement officers and/or correction officers, not the law enforcement agency or the correction agency. Therefore, no fiscal impact.

Sec. 2. "Peace officer" includes any "general authority Washington peace officer," "limited authority Washington peace officer," and "specially commissioned Washington peace officer" of any county, city, or town as those terms are defined in RCW 10.93.020.

- OII will employ "limited authority Washington peace officers" and the definition in this bill is consistent with the previously defined definitions and therefore has no impact.

Sec. 3 If an investigation is initiated, the attorney general shall confer with the office of independent investigations to ensure that any investigation under this section will not interfere with or impede an ongoing investigation being conducted by OII.

- This section clarifies that if the Office of the Attorney General does initiate an investigation pursuant to this statute, they must first confer with OII to ensure the initiated investigation is not one of an individual officer use of deadly force. This change does not have a fiscal impact.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1445 2S HB	<b>Title:</b> Law enf. misconduct	<b>Agency:</b> 300-Department of Social and Health Services
--------------------------------	-----------------------------------	---

## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jessica Van Horne	Phone: 360-786-7288	Date: 02/28/2023
Agency Preparation: Bill Jordan	Phone: 360-902-8183	Date: 02/28/2023
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 02/28/2023
OFM Review: Arnel Blancas	Phone: (360) 000-0000	Date: 03/02/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

There is no fiscal impact to the Department of Social and Health Services (DSHS). This bill provides clarification to the authority of the attorney general to address law enforcement and local corrections agency misconduct through investigation and legal actions. Although DSHS is defined as a Limited Authority Washington Law Enforcement Agency, DSHS does not have any peace officers. DSHS is not a law enforcement agency, nor a local corrections agency as defined in section 2 of this bill.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1445 2S HB	<b>Title:</b> Law enf. misconduct	<b>Agency:</b> 310-Department of Corrections
--------------------------------	-----------------------------------	--

## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Jessica Van Horne	<b>Phone:</b> 360-786-7288	<b>Date:</b> 02/28/2023
<b>Agency Preparation:</b> Cassi Postma	<b>Phone:</b> (360) 725-8428	<b>Date:</b> 03/02/2023
<b>Agency Approval:</b> Ronell Witt	<b>Phone:</b> (360) 725-8428	<b>Date:</b> 03/02/2023
<b>OFM Review:</b> Cynthia Hollimon	<b>Phone:</b> (360) 810-1979	<b>Date:</b> 03/02/2023



## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

1445 2S HB is the newest version of HB 1445. The original version of this bill updated RCW 43.10 to strengthen and clarify the authority of the attorney general to address law enforcement and local corrections agency misconduct through investigations and legal actions.

1445 2S HB amends the date within section 5 to September 1, 2024, extending the deadline for the attorney general to develop and publish model policies and accountability systems. This section is further amended to remove “local correction agency,” “local corrections,” and “jails” from the language and add “police unions” in addition to clarifying that the policies and systems created will be consistent with other guidance drafted by the office of the attorney general at the specific request of the Washington state legislature.

1445 2S HB also adds section 7 to state that if funding is not received by June 30, 2023, in the omnibus appropriations act, this act is null and void.

Effective date is assumed 90 days after adjournment of session in which this bill is passed.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

None.

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

We assume this bill will have no fiscal impact to Department of Corrections (DOC).

The enactment of 2SHB 1445 will not impact DOC because the investigative and enforcement authority granted to the Attorney General would only extend to local correctional and limited authority law enforcement agencies. This is in alignment with the advice DOC received from the Attorney General’s Office (AGO) for this bill.

### ASSUMPTIONS

1. The DOC and AGO assume that the definition included in Section 2(1) excludes DOC due to the specific language including “county, city, or town...and any political subdivision of the state” despite the agency being defined as a “limited authority Washington law enforcement agency” under RCW 10.93.020.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

None.

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1445 2S HB	<b>Title:</b> Law enf. misconduct	<b>Agency:</b> 360-University of Washington
--------------------------------	-----------------------------------	---

## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jessica Van Horne	Phone: 360-786-7288	Date: 02/28/2023
Agency Preparation: Michael Lantz	Phone: 2065437466	Date: 03/01/2023
Agency Approval: Charlotte Shannon	Phone: 2066858868	Date: 03/01/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 03/06/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Second Substitute House Bill 1445 concerns investigations of law enforcement misconduct by the Washington State Attorney General's Office (AGO). Compared with the original substitute, the second substitute makes the following changes:

- Delays the date by which the Attorney General must develop model policies to September 1, 2024.
- Removes the requirement that model policies be developed for corrections agencies; requiring model practices for investigations and discipline to relate to serious misconduct.
- Requires model policies to be consistent with standards adopted in other published model guidance drafted by the Office of the Attorney General at the specific request of the Legislature.
- Removes local corrections agencies, local corrections unions, people impacted by local corrections misconduct, and jail accountability advocates from the list of entities with which the Attorney General must consult in developing model policies.
- Adds a null and void clause, making the bill null and void unless funded in the budget.

Sections 3 and 5 are the measure provisions that may impact the University of Washington (UW).

Section 3 allows the AGO to investigate, and bring action against, law enforcement agencies and local corrections agencies for violations of the state Constitution and statutes. The AGO is authorized to seek civil remedies for alleged violations, including declaratory relief, damages, costs, and reasonable attorneys' fees.

Section 5 requires the AGO to develop and publish model policies for law enforcement accountability systems. In doing so, the AGO must consult with law enforcement agencies.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

There are no changes to UW's prior fiscal analysis as a result of the second substitute bill. The potential costs of the AGO consulting with the University of Washington Police Department (UWPD) on the development and implementation of model policies under Section 5 of this legislation are minimal and can be absorbed using existing resources. However, it is difficult to accurately predict the legal costs associated with any actions brought against UWPD under Section 3 of the bill. The UWPD does not have a history of litigation or judgments against its officers for misconduct and therefore we believe an investigation, and any subsequent litigation, by the AGO is unlikely to occur in a given year. However, if an investigation was to occur, costs would almost certainly exceed \$50,000.

Given that an investigation under this legislation could occur, but is unlikely, we assess the fiscal impact as being indeterminate, but under \$50,000 for each fiscal year.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

**III. B - Expenditures by Object Or Purpose**

Non-zero but indeterminate cost and/or savings. Please see discussion.

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1445 2S HB	<b>Title:</b> Law enf. misconduct	<b>Agency:</b> 365-Washington State University
--------------------------------	-----------------------------------	--

## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Jessica Van Horne	<b>Phone:</b> 360-786-7288	<b>Date:</b> 02/28/2023
<b>Agency Preparation:</b> Brittney Gamez	<b>Phone:</b> 509-335-5406	<b>Date:</b> 03/03/2023
<b>Agency Approval:</b> Chris Jones	<b>Phone:</b> 509-335-9682	<b>Date:</b> 03/03/2023
<b>OFM Review:</b> Ramona Nabors	<b>Phone:</b> (360) 742-8948	<b>Date:</b> 03/06/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

1445 2S HB authorizes the Attorney General to investigate and bring action against a law enforcement agency for a violation of the state Constitution or state law. It also directs the Attorney General to publish model policies for law enforcement accountability systems. WSU estimates no fiscal impact.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*



# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1445 2S HB	<b>Title:</b> Law enf. misconduct	<b>Agency:</b> 370-Eastern Washington University
--------------------------------	-----------------------------------	--

## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Jessica Van Horne	<b>Phone:</b> 360-786-7288	<b>Date:</b> 02/28/2023
<b>Agency Preparation:</b> Keith Tyler	<b>Phone:</b> 509 359-2480	<b>Date:</b> 03/02/2023
<b>Agency Approval:</b> Alexandra Rosebrook	<b>Phone:</b> (509) 359-7364	<b>Date:</b> 03/02/2023
<b>OFM Review:</b> Ramona Nabors	<b>Phone:</b> (360) 742-8948	<b>Date:</b> 03/06/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Proposed 2SHB 1445 – Adds new sections to chapter 43.10 RCW. Section 3 allows the Attorney General to investigate and bring an action against a law enforcement agency. Creating a new section strengthening and clarifying the authority of the Attorney General to address law enforcement misconduct through investigations and legal actions. Section 5 requires the Attorney General to develop and publish model policies for law enforcement and local correction agency accountability systems, specifying model practices for receiving complaints of serious misconduct, conducting investigations, imposing discipline, and addressing disciplinary appeals.

Based on the response by the Attorney General's Office indicating they do not anticipate an increase in workload, Eastern determined this bill will likely have no fiscal impact.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

## **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1445 2S HB	<b>Title:</b> Law enf. misconduct	<b>Agency:</b> 375-Central Washington University
--------------------------------	-----------------------------------	--

## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
<b>Account</b>					
General Fund-State 001-1	2,250	2,250	4,500	4,500	4,500
<b>Total \$</b>	2,250	2,250	4,500	4,500	4,500

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jessica Van Horne	Phone: 360-786-7288	Date: 02/28/2023
Agency Preparation: Erin Sargent	Phone: 509-963-2395	Date: 03/03/2023
Agency Approval: Lisa Plesha	Phone: (509) 963-1233	Date: 03/03/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 03/06/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Section 2: New Section – Defines “Law enforcement agency”, “local corrections agency”, “local corrections officer”, and “peace officer”

Section 5: New Section – Authorizes the state attorney general to investigate and bring action against a law enforcement agency or local corrections agency accountability systems specifying model practices.

### II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

### II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

While most costs related to implementing the proposed legislation would be allocated among existing resources, CWU anticipates this bill would require an estimated 10 hours of Attorney General consultation annually for a total cost of \$2,250 (10 Hours \* \$225/hr).

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	2,250	2,250	4,500	4,500	4,500
<b>Total \$</b>			2,250	2,250	4,500	4,500	4,500

### III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts	2,250	2,250	4,500	4,500	4,500
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	2,250	2,250	4,500	4,500	4,500

**III. C - Operating FTE Detail:** FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.

NONE

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

Revised

<b>Bill Number:</b> 1445 2S HB	<b>Title:</b> Law enf. misconduct	<b>Agency:</b> 376-The Evergreen State College
--------------------------------	-----------------------------------	--

## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

Non-zero but indeterminate cost and/or savings. Please see discussion.

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jessica Van Horne	Phone: 360-786-7288	Date: 02/28/2023
Agency Preparation: Daniel Ralph	Phone: 360-867-6500	Date: 02/28/2023
Agency Approval: Dane Apalategui	Phone: 360-867-6517	Date: 02/28/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 03/06/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

2S HB 1445 relates to strengthening and clarifying the authority of the attorney general to address law enforcement and local corrections agency misconduct through investigations and legal actions.

Section 5 revises the model policies that would be developed by the attorney general.

Section 7 states that if specific funding for this act is not provided by June 30, 2023, it is null and void.

\*\*\*\*\*

HB 1445 relates to strengthening and clarifying the authority of the attorney general to address law enforcement misconduct through investigations and legal action.

Section 1 expresses the intent of the bill, which is to clarify the existing authority and authorize the attorney general's office to investigate, and if necessary, bring suit against law enforcement agencies to compel needed reforms where there are violations of constitutional and civil rights. It is not intended to address isolated acts of misconduct or to hold individual officers liable for misconduct.

Section 2 defines "law enforcement agency," "local corrections agency," "local corrections officer" and "peace officer."

Section 3 (1) states that the attorney general may investigate and bring action against a law enforcement agency for a violation where insufficient accountability systems, training, and policies at the agency lead to such violations.

Evergreen State College has a very small police force and have very little resources to provide adequate training so this bill would expose us to great liability. Therefore, we will need to provide regular training to our officers to limit our liability in case of an investigation by the AG's office. Our attorney advised us to provide regular training and also said we would need her services as well. We also discussed the potential for a substantial liability if a civil suit were to be filed as a result of an AG investigation. Civil suit costs are indeterminate.

This bill may expand beyond other acts or omissions that Evergreen may be liable for under the new law. If the state level consent decree were to be implemented, the impact on Evergreen would be immense but is indeterminate at this time.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

Evergreen State College has a very small police force and have very little resources to provide adequate training so this bill would expose us to great liability. Therefore, we will need to provide regular training to our officers to limit our liability in case of an investigation by the AG's office. Our attorney advised us to provide regular training and also said we would need her services as well. We also discussed the potential for a substantial liability if a civil suit were to be filed as a result of an AG investigation. Civil suit costs are indeterminate. However, we have provided a detailed description of what we think our costs will be if this bill were to pass:



Police Sergeant to provide regular training as well as shift supervision CS-65-13 1.00 FTE \$101,511 each year with benefits of \$32,315 each year using a 18.3% rate plus health and industrial insurance.

Administrative assistant (CS-34) 1.00 FTE \$32,337 each year with benefits of \$19,856 each year using a 18.3% rate plus health and industrial insurance.

Attorney's fees of 5 hours for FY24 at \$300 per hour for a total of \$1,500 in FY24 and 50 hours in each of the following years for a total of \$15,000 each year.

A summary of our costs are as follows:

	FY24	All Future Years
A-Salaries and Wages	\$133,848	\$133,848
B-Benefits	\$ 52,371	\$ 52,371
c-Prof Service Contracts	\$ 1,500	\$ 15,000
Total	\$187,719	\$201,219

### Part III: Expenditure Detail

#### III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

#### III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

#### III. D - Expenditures By Program (optional)

NONE

### Part IV: Capital Budget Impact

#### IV. A - Capital Budget Expenditures

NONE

#### IV. B - Expenditures by Object Or Purpose

NONE

#### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

### Part V: New Rule Making Required

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1445 2S HB	<b>Title:</b> Law enf. misconduct	<b>Agency:</b> 380-Western Washington University
--------------------------------	-----------------------------------	--

## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jessica Van Horne	Phone: 360-786-7288	Date: 02/28/2023
Agency Preparation: Gena Mikkelsen	Phone: 3606507412	Date: 02/28/2023
Agency Approval: Faye Gallant	Phone: 3606504762	Date: 02/28/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 03/06/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Substitute House Bill 1445 concerns investigations of law enforcement misconduct by the Washington State Attorney General's Office (AGO). Compared with the original bill, the substitute makes the following changes:

- Requires the AGO to confer with the Office of Independent Investigations when an investigation is initiated.
- Requires the AGO, when developing model policies, to consult with the Criminal Justice Training Commission and the Office of Independent Investigations in addition to the other entities and agencies listed in the bill.

Sections 3 and 5 are the measure provisions that may impact Western Washington University.

Section 3 allows the AGO to investigate, and bring action against, law enforcement agencies and local corrections agencies for violations of the state Constitution and statutes. The AGO is authorized to seek civil remedies for alleged violations, including declaratory relief, damages, costs, and reasonable attorneys' fees.

Section 5 requires the AGO to develop and publish model policies for law enforcement and local correction agency accountability systems. In doing so, the AGO must consult with law enforcement and local corrections agencies.

NEW SECTION. Sec. 7. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

The AGO will be charged under the new law to develop and publish model policies and practices for law enforcement and local correction agency accountability systems, specifying model practices for receiving complaints of serious misconduct, conducting investigations, imposing discipline, and addressing disciplinary appeals. There will be time and effort expended by WWUPD and other departments to reconcile the model policies and practices with those currently in place.

It is difficult to accurately predict the legal costs associated with any actions brought against WWUPD under Section 3 of the bill. The WWUPD does not have a history of litigation or judgments against its officers for misconduct and therefore we believe an investigation, and any subsequent litigation, by the AGO is unlikely to occur in a given year. However, if an investigation was to occur, costs would almost certainly exceed \$50,000.

Given that an investigation under this legislation could occur, but is unlikely, we assess the fiscal impact as being indeterminate, but under \$50,000 for each fiscal year.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

**III. B - Expenditures by Object Or Purpose**

Non-zero but indeterminate cost and/or savings. Please see discussion.

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1445 2S HB	<b>Title:</b> Law enf. misconduct	<b>Agency:</b> 465-State Parks and Recreation Commission
--------------------------------	-----------------------------------	--

## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jessica Van Horne	Phone: 360-786-7288	Date: 02/28/2023
Agency Preparation: Van Church	Phone: (360) 902-8542	Date: 03/01/2023
Agency Approval: Van Church	Phone: (360) 902-8542	Date: 03/01/2023
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 03/01/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

The proposed legislation is related to the attorney general's authority to address law enforcement and local corrections misconduct, modifying and adding sections to RCW 43.10.

This proposed 2nd substitute legislation:

- Section 5 - Modified language related to policy development.
- Section 7 - New section if specific funding is not provided by June 30, 2023 this legislation would be null and void if enacted.

As with prior versions of this proposed legislation, the fiscal impact is indeterminate as it is impossible to predict the outcome of such legal action, if any.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

None.

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

In the discretion of the court, the attorney general may recover the costs of the action including reasonable attorneys' fees if the attorney general prevails in the action. Though it is reasonably foreseeable that passage of this legislation will result in the increased potential for legal action against WSPRC and a potentially negative fiscal impact, the dollar amount is indeterminant as it is not possible to predict the outcome of such legal actions, if any.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

### III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1445 2S HB	<b>Title:</b> Law enf. misconduct	<b>Agency:</b> 477-Department of Fish and Wildlife
--------------------------------	-----------------------------------	--

## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jessica Van Horne	Phone: 360-786-7288	Date: 02/28/2023
Agency Preparation: David Hoeveler	Phone: (360) 970-1638	Date: 02/28/2023
Agency Approval: David Hoeveler	Phone: (360) 970-1638	Date: 02/28/2023
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 02/28/2023



## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

NO CHANGE FROM PREVIOUS FISCAL NOTE. Changes in this bill do not impact the Department.

This version of the bill adds a new section (7) that requires specific funding be passed in the omnibus appropriations act otherwise this act is null and void.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1445 2S HB	<b>Title:</b> Law enf. misconduct	<b>Agency:</b> 490-Department of Natural Resources
--------------------------------	-----------------------------------	--

## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jessica Van Horne	Phone: 360-786-7288	Date: 02/28/2023
Agency Preparation: Collin Ashley	Phone: 360-688-3128	Date: 03/01/2023
Agency Approval: Collin Ashley	Phone: 360-688-3128	Date: 03/01/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 03/01/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

No change from previous fiscal note.

No fiscal impact, the Department of Natural Resources will submit a decision package if policies developed by the attorney general are unable to be implemented within current budgets once published.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

**Bill Number:** 1445 2S HB

**Title:** Law enf. misconduct

## Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

### Legislation Impacts:

- Cities: Staff time to consult with the Attorney General's Office on model policies; potential legal costs for law enforcement agencies
- Counties: Same as above
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

## Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: Amount of staff time; future legal costs

### Estimated revenue impacts to:

None

### Estimated expenditure impacts to:

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

## Part III: Preparation and Approval

Fiscal Note Analyst: Alice Zillah	Phone: 360-725-5035	Date: 03/07/2023
Leg. Committee Contact: Jessica Van Horne	Phone: 360-786-7288	Date: 02/28/2023
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 03/07/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 03/07/2023

## **Part IV: Analysis**

### **A. SUMMARY OF BILL**

*Description of the bill with an emphasis on how it impacts local government.*

#### **CHANGES BETWEEN THIS VERSION AND PRIOR BILL VERSION:**

The second substitute bill requires the Attorney General to confer with the Office of Independent Investigations when an investigation is initiated; and requires the Attorney General, when developing model policies, to consult with the Criminal Justice Training Commission and the Office of Independent Investigations in addition to the other entities and agencies listed in the bill. These changes do not affect the indeterminate impacts discussed below.

#### **SUMMARY OF CURRENT BILL:**

Sec. 3 creates a new section. The Attorney General (AGO) may investigate and bring an action against a law enforcement agency or local corrections agency for a violation of the Washington state Constitution or state law, including where insufficient accountability systems, training, and policies at the agency lead to such violations. In the discretion of the court, the AGO may recover the costs of the action including reasonable attorneys' fees if the AGO prevails the action.

Sec. 5 creates a new section. By July 1, 2024, the AGO shall develop and publish model policies for law enforcement accountability systems, specifying model practices for receiving complaints of serious misconduct, conducting investigations, imposing discipline, and addressing disciplinary appeals. The model policies should promote transparent and effective accountability systems that: Mete out fair, impartial, and swift discipline commensurate to wrongdoing; reduce officer misconduct; reduce barriers to accountability; and uphold the civil and constitutional rights of members of the public. The model policies shall be consistent with standards adopted in other model policies addressing policing practices, including policies governing use of force, duty to intervene, and investigation practices. In developing these policies, the AGO shall consult with law enforcement and local corrections agencies, police and local corrections unions, independent oversight bodies, city attorneys and county prosecutors, people impacted by police or local corrections misconduct, experts, and police and jail accountability advocates.

### **B. SUMMARY OF EXPENDITURE IMPACTS**

*Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.*

The legislation would result in indeterminate costs for city and county law enforcement agencies. Law enforcement agencies would consult with the Attorney General's Office, resulting in indeterminate but likely minimal costs in staff time. Additionally, if a law enforcement agency or city or county jail were the subject of an action brought by the Attorney General, there would be legal costs that could be significant.

As a point of reference, the City of Seattle spent an estimated \$120 million from 2012 to 2019 on Consent Decree related costs. In 2012, Seattle and the United States Department of Justice entered into a settlement agreement, or Consent Decree, that required Seattle to implement reforms “with the goal of ensuring that police services are delivered to the people of Seattle in a manner that fully complies with the Constitution and laws of the United States, effectively ensures public trust and officer safety, and promotes public confidence.” The total includes \$20.3 million added to the Seattle Police Department’s annual budget to sustain functions added under the Consent Decree, beginning in 2018. Seattle's size makes it an outlier in the state, and the Consent Decree was brought about by federal, not state action, so these costs are provided with the caveat that other cities are unlikely to see expenses of this magnitude.

### **C. SUMMARY OF REVENUE IMPACTS**

*Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.*

The legislation would have no revenue impacts for local governments.

SOURCES:

City of Seattle

Washington Association of Sheriffs and Police Chiefs